

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND)	MDL No. 2419
COMPOUNDING PHARMACY, INC.)	Master Docket: 1:13-md-2419-FDS
PRODUCTS LIABILITY LITIGATION)	
)	
This document relates to:)	
)	
All Actions)	
)	

**STIPULATION AND JOINT MOTION TO
STAY DISCOVERY, RESPONSIVE MOTIONS, AND PLEADINGS AS TO
INSPIRA HEALTH NETWORK, INC. AND INSPIRA MEDICAL CENTERS, INC.**

Inspira Medical Centers, Inc. and Inspira Health Network, Inc. (collectively, “Inspira”), the Plaintiffs’ Steering Committee (“PSC”), Paul D. Moore, the duly appointed Chapter 11 Trustee of defendant New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“Trustee”), and the Official Committee of Unsecured Creditors (“OCC”), by and through their undersigned counsel, hereby stipulate, agree, and jointly move this Honorable Court to stay discovery, responsive motions, and pleadings as to Inspira only as follows:

1. Inspira, the PSC, the Trustee and the OCC (the “Parties”) have agreed to participate in voluntary, private mediation. While the mediation is separate and apart from the mediation program governed by the Court’s Order on Mediation Program [Dkt. #394], the goal of the Parties is the same: to explore in good faith a potential early resolution and thereby avoid unnecessary, costly, and protracted litigation.

2. To that end, the Parties agree that Inspira shall not be subject to formal discovery in the MDL while participating in private mediation except as otherwise directed by the Court. As such, all discovery in the MDL should be stayed as to Inspira during the pendency of the

mediation and will resume upon termination of the mediation without a settlement or until further order of the Court. Inspira has agreed to exchange limited discovery with the PSC, OCC and the Trustee in the private mediation.

3. Further, the Parties agree that the filing of motions to dismiss, answers, or any other responsive motions and pleadings by Inspira should be stayed until further order of the Court.

A proposed Order is attached hereto.

Dated: December 20, 2013

Respectfully submitted,

/s/ Stephen A. Grossman

Stephen A. Grossman
Louis R. Moffa, Jr.
MONTGOMERY McCracken Walker & Rhoads LLP
457 Haddonfield Road ~ Suite 600
Cherry Hill, New Jersey 08002
(856) 488-7700
sgrossman@mmwr.com
lmoffa@mmwr.com

Counsel for Inspira Health Network, Inc. and Inspira Medical Centers, Inc.

/s/ Michael R. Gottfried

Michael R. Gottfried, Esq.
DUANE MORRIS LLP
100 High Street, Suite 2400
Boston, MA 02110-1724
(857) 488-4230
mrgottfried@duanemorris.com

Counsel to Paul D. Moore, Chapter 11 Trustee for New England Compounding Pharmacy, Inc.

/s/ Thomas M. Sobol

Thomas M. Sobol
Kristen Johnson Parker
HAGENS BERMAN SOBOL SHAPIRO LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
(617) 482-3700
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel, on behalf of The Plaintiffs' Steering Committee

/s/ David J. Molton

David J. Molton
BROWN RUDNICK LLP
Seven Times Square
New York, New York 10036
(212) 209-4822
dmolton@brownrudnick.com

Counsel to the Official Committee of Unsecured Creditors

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been filed with the Clerk of Court on December 20, 2013 using the CM/ECF system which sent notification of this filing to all ECF registered counsel of record via e-mail generated by the Court's ECF system.

Date: December 20, 2013

/s/ Stephen A. Grossman
Stephen A. Grossman